

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13232 of Robert E. and Barbara Reich, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot area and width requirements (Sub-sections 3301.1 and 7615.2), from the prohibition against allowing a principal building without a front yard (Sub-section 7615.3), from the minimum parking space size (Paragraph 7204.11) and from the lot occupancy requirements (Sub-sections 3303.1 and 7615.2) to convert a two story accessory building to a dwelling using theoretical lot lines in an R-4 District at the premises rear 650 Independence Avenue S.E., (Square 870, Lot 803).

HEARING DATE: May 14, 1980

DECISION DATE: June 4, 1980

FINDINGS OF FACT:

1. The subject property is located on the north side of Independence Avenue, between 6th and 7th Street, S.E., in an R-4 zone district at premises known as 650 Independence Avenue, S.E.
2. The site is improved with a three story single family dwelling which fronts on Independence Avenue, and a two story garage/carriage house at the rear of the lot.
3. The applicant proposes to convert the two story accessory building into a residence, using theoretical lot lines. The building would contain a one bedroom apartment on the second floor and a garage on the ground floor.
4. The subject lot is approximately 3,810 square feet in area. It is twenty eight feet wide by 136.08 feet deep.
5. The property is adjoined to the east and west by row dwellings, with a majority of structures in the immediate vicinity being two and three story row dwellings. There is a four story apartment building west of this property at 626 Independence Avenue.

6. The interior of the subject square is developed with a number of row dwellings and carriage houses, and is known as Brown's Court.

7. The principal structure at the subject site is classified as a semi-detached dwelling, since it does not extend the full width of the lot and has a side yard on the west side. It is, however, similar in size and character to adjoining row structures.

8. The structure to the rear of the site, which the applicant proposes to convert, is a row dwelling; that is, it extends the full width of the lot and has no side yards.

9. With respect to the principal structure at the front of the subject site, the following relief is requested:

- a. Sub-section 3301.1 requires a minimum lot area of 3,000 feet and a minimum lot width of thirty feet, for semi-detached structures. The applicant provides a lot width of twenty-eight feet, and an area of 2466 square feet, for the theoretical lot. Thus variances of two feet or 6.20% from the lot width and 534 feet or 17.79% from the lot area are required.
- b. A maximum lot occupancy of forty percent is allowed for a semi-detached dwelling in the R-4 District. In the subject application, the maximum permitted building area is thus 987 square feet. The subject structure occupies 1955 square feet of the theoretical lot. Thus, a variance of 968 square feet or ninety eight percent is required.

10. The principal structure will have the twenty foot rear yard required by the Zoning Regulations, and an existing 6.25 foot side yard. No parking is required for this structure because it was occupied as a single family dwelling prior to the adoption of the present Zoning Regulations.

11. With respect to the accessory garage/carriage house building at the rear of the site, that is proposed to be converted, the following variances are requested:

- a. Although only one space is required, the applicant provides two parking spaces that measure 18' 4" in length and nine feet in width. Sub-section 7615.3 requires a minimum size of a parking space of nine feet wide by nineteen deep. Thus, a variance of 0.75 feet, or 3.94%, is required.
- b. Sub-section 3301.1 requires a minimum lot area of 1800 square feet. The applicant provides 1344 square feet for the theoretical lot. Thus, a variance of 456 square feet or 25.3% is required.
- c. Sub-section 7615.3 of the Zoning Regulations requires that a principal building on a theoretical lot that has no street frontage shall have a front yard at the structure's principal entrance, equivalent to the required rear yard of the given zone district. The R-4 zone district requires a minimum rear yard of twenty feet, which would require a twenty foot front yard for the subject structure. Thus a variance of twenty feet or 100% is required.

12. The applicant meets the requirements of the Zoning Regulations with respect to lot width, lot occupancy, parking space and rear yard for the rear building.

13. Advisory Neighborhood Commission 6B by report dated May 14, 1980, offered support for the application on the grounds that the property is very large, and taken as single lot, the property proposed to be converted, fully meets the requirements of 8207.11 showing a practical difficulty, without substantial detriment to the public good. The Board so finds. The ANC noted that a petition circulated to residents within 200 feet, was favorably received.

14. The Office of Planning and Development by report dated April 30, 1980, and testimony at the time of public hearing, recommended approval of the application on the grounds that for all practical purposes the principal dwelling at the front of 650 Independence Avenue is a row dwelling. If the calculations for two theoretical lots are based upon two row

dwelling rather than one row and one semi-detached dwelling only a variance from the lot occupancy of 496 square feet, or thirty-two percent, would be required. The variances for the carriage house would remain the same. The OPD noted, however, that Lot 803 has a total area of approximately 3,810 square feet which is greater than the minimum lot area required for 2 row dwellings (3,600 square feet). Thus, theoretically all lot area and lot occupancy requirements could be met if both units were classified as row dwellings. The front yard requirement due to the situation of the carriage house could not be met. The OPD further noted that although there are numerous carriage houses and row dwellings in the interior of this square, the applicant's proposal provides sufficient egress, light, air and ventilation for the proposed apartment, and will be in keeping with the subject square. The Board so finds.

15. Agnes Ainilian, an adjacent property owner at 652 Independence Avenue, S.E., opposed the application, on the grounds that the use would increase the already high density of the neighborhood, which is designed primarily for single family residences. She also argued that the granting of this application would serve as a precedent for conversion of other accessory buildings located within the subject square, and that this expanded density would destroy the esthetic and environmental conditions in one of the nation's most important residential areas.

16. As to the arguments raised in opposition to the application, the Board finds that as cited in Finding of Fact number fourteen above, the subject site contains 3,810 square feet, which is greater than the 3,600 square footage required for development of two row dwellings in the R-4 zone. The Board therefore finds that approval of the application would not increase the permitted density in the area to a level out of character with what is otherwise permitted. The Board further finds that no significant precedent would be set in the granting of this application. As is set forth in the supplemental report of the Office of Planning and Development dated May 28, 1980, there are only three carriage houses that are suitable for human habitation in the square, one of which contains only 180 square feet. The Board further finds that of three possible carriage house conversions, none is larger than use for a studio or efficiency type apartment, and while parking may not be

provided for these units, the site is less than three blocks from the Eastern Market subway stop as well as other public transit.

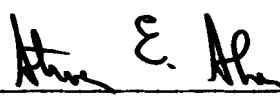
CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the requested variances are area variances, the granting of which requires the showing of a practical difficulty inherent in the property which creates difficulty upon the owner in developing the property in strict compliance with the Zoning Regulations. The Board is of the opinion that given the size of the lot and the physical layout of the existing structures on the site at the time of the adoption of the Zoning Regulations, such a difficulty exists. The Board concludes that the requested relief can be granted without detriment to the public good, and without impairing the intent purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. The proposed uses of the structures are in keeping with the general character of surrounding row dwellings, and will not adversely impact on adjoining and nearby properties. Accordingly, it is ORDERED that this application is hereby GRANTED.

VOTE: 3-1 (William F. McIntosh, John G. Parsons, and Connie Fortune to grant; Leonard L. McCants opposed; Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 28 JUL 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.